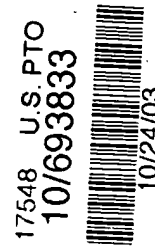




Attorney's Docket No. 8707.2165  
168 - Apnee et PEA

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
Mail Stop: Patent Application  
P.O. Box 1450  
Alexandria VA, 22313-1450



**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of

Inventor(s): Marcel LIMOUSIN and Guido GAGGINI

For (title): IMPROVED MANAGEMENT OF RESPIRATORY PAUSES OR  
HYPOPNEA IN AN ACTIVE IMPLANTABLE MEDICAL DEVICE OF  
THE CARDIAC PACEMAKER, DEFIBRILLATOR, CARDIOVERTOR OR  
MULTISITE DEVICE TYPE

**1. Type of Application**

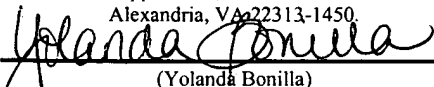
This new application is for a(n)

- ☒ Original (nonprovisional)  
☐ Design  
☐ Plant  
☐ Divisional.  
☐ Continuation.  
☐ Continuation-in-part (C-I-P)

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this New Application Transmittal  
and the documents referred to as enclosed therein are  
being deposited with the United States Postal Service

on this date October 24, 2003 in an envelope as  
"Express Mail Post Office to Addressee" Mailing  
Label Number EV 302 662 742 US, addressed to the:  
Commissioner for Patents, Mail Stop: Patent  
Application, P.O. Box 1450  
Alexandria, VA 22313-1450.

  
(Yolanda Bonilla)

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)**

- ☐ This new application being transmitted claims the benefit of prior U.S. application(s).  
Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL  
WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

**2. Papers Enclosed That Are Required for Filing Date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application**

<u>12</u>	Pages of Specification
<u>3</u>	Pages of claims
<u>1</u>	Pages of Abstract
<u>2</u>	Sheets of drawings

- ☒ formal (2 sheet)
- ☐ informal (1 sheet)
- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWINGS." 37 C.F.R. 1.84(b).

**3. Additional papers enclosed**

- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement (37 C.F.R. 1.98)
- ☒ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other-

**4. Declaration or oath**

☒ Enclosed is an unexecuted original declaration/power of attorney

Executed by

☐ inventor(s).

☐ legal representative of inventor(s).  
37 C.F.R. 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. *See item 13 below for fee.*

☐ Not Enclosed.

☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all* the above named inventor(s).

*(The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).*

☐ Showing that the filing is authorized.  
*(not required unless called into question. 37 CFR 1.41(d))*

**5. Inventorship Statement**

The inventorship for all the claims in this application are:

☒ The same.

**or**

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made.

☐ is submitted.

☐ will be submitted.

**6. Language**

☒ English

☐ Non-English

☐ The attached translation is a verified translation. 37 C.F.R. 1.52(d).

**7. Assignment**

☒ An assignment of the invention

☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☒ will follow.

☐ The prior application is assigned to \_\_\_\_\_, recorded at reel/frame numbers \_\_\_\_\_.

**8. Certified Copy**

Certified copy(ies) of application(s)

France	02-13356	October 25, 2002
Country	Appln. no.	Filed
Country	Appln. no.	Filed
Country	Appln. no.	Filed

from which priority is claimed

☐ is (are) attached.

☒ will follow.

**9. Fee Calculation (37 C.F.R. 1.16)**

A. ☒ Regular application

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$770.00
Total Claims (37 CFR 1.16(c))	14 - 20 =	x \$ 18.00 =	\$
Independent Claims (37 CFR 1.16(b))	1 - 3 =	x \$ 84.00 =	\$
Multiple dependent claim(s), if any (37 CFR 1.16(d))		+ \$ 280.00 =	\$

☐ Amendment canceling extra claims is enclosed.

☐ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 770.00

B. ☐ Design application  
(\$330.00 - 37 CFR 1.16(f))

Filing Fee Calculation \$

C. ☐ Plant application  
(\$530.00 - 37 CFR 1.16(g))

Filing Fee Calculation \$

**10. Small Entity Statement(s)**

☐ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 ☐ is (are) attached . ☐ will follow.

☐ Status as a small entity was claimed in prior application

/ , filed on , from which benefit  
is being claimed for this application under:

35 U.S.C. ☐ 119(e),

☐ 120,

☐ 121,

☐ 365(c),

and which status as a small entity is still proper and desired.

☐ A copy of the verified statement in the prior application is included.

Filing Fee Calculation (50% if A, B or C above) \$ \_\_\_\_\_

**11. Request for International -- Type Search (37 C.F.R. 1.104(d))**

*(complete, if applicable)*

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**12. Fee Payment Being Made at This Time**

☒ Not Enclosed

☒ No filing fee is to be paid at this time.  
(This and the surcharge required by 37 C.F.R. 1.16(e) can  
be paid subsequently.)

☐ Enclosed

☐ Basic filing fee \$ \_\_\_\_\_

☐ Recording assignment  
(\$40.00; 37 C.F.R. 1.21(h))  
(See attached "COVER SHEET FOR ASSIGNMENT  
ACCOMPANYING NEW APPLICATION".) \$ \_\_\_\_\_

☐ Petition fee for filing by other than all the inventors or  
person on behalf of the inventor where inventor refused to  
sign or cannot be reached  
(\$130.00; 37 C.F.R. 1.52(d) and 1.17(k)) \$ \_\_\_\_\_

☐ For processing an application with a specification in a non-  
English language  
(\$130.00; 37 C.F.R. 1.52(d) and 1.17(k)) \$ \_\_\_\_\_

☐ Processing an retention fee  
(\$130.00; 37 C.F.R. 1.53(d) and 1.21(l)) \$ \_\_\_\_\_

☐ Fee for international-type search report  
(\$40.00; 37 C.F.R. 1.21(e)) \$ \_\_\_\_\_

Total fees enclosed \$ \_\_\_\_\_

**13. Method of Payment of Fees**

☐ Check in the amount of

☐ Charge Account No. \_\_\_\_\_ in the amount of \$

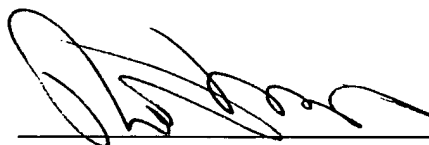
☐ A duplicate of this transmittal is attached.

**14. Authorization to Charge Additional Fees**

- ☒ The Commissioner is hereby authorized to charge the following additional fees required by this paper and during the entire pendency of this application to Account No. 15-0665.
- ☒ 37 C.F.R. 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)
- ☒ 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. 1.17 (application processing fees)
- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

**15. Instructions as to Overpayment**

- ☒ Credit Account No. 15-0665
- ☐ Refund



SIGNATURE OF ATTORNEY

Reg. No. 31,110

(type or print name of attorney)

Tel. No. (212) 506-5000

Robert M. Isackson, Esq  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
666 Fifth Avenue  
New York, New York 10103-0001



☐ **Incorporation by reference of added pages**

- ☐ Plus Added Pages for New Application Transmittal Where  
Benefit of Prior U.S. Application(s) Claimed

Number of pages added

\_\_\_\_\_

- ☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added

\_\_\_\_\_

- ☐ Plus "Assignment Cover Letter Accompanying New  
Application"

Number of pages added

\_\_\_\_\_

☒ **Statement Where No Further Pages Added**

- ☒ This transmittal ends with this page.